

CALIFORNIA STATE PERSONNEL BOARD MEETING
Holiday Inn Express Old Town
Old Town San Diego
3900 Old Town Avenue
San Diego, California 92110
(619) 299-7400
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Public Session Location - Mission Room
Closed Session Location - Mission Room

FULL BOARD MEETING MINUTES**

APRIL 8, 2003

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, President
Ron Alvarado, Vice President
Sean Harrigan, Member
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Department of Finance has agreed to modify the cuts proposed for the State Personnel Board.

** The State Personnel Board Summary Minutes can be obtained at the following Internet address:
<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

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- B. All state departments have been instructed to develop contingency plans for a 10% budget cut in the event concessions are not obtained from employees in the collective bargaining process.
- C. The Department of General Services is expected to have its decentralized testing restored by staff.
- D. Mike Willihnganz, Chief, Policy Division, State Personnel Board, has accepted a position with Cooperative Personnel Services.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. International Union of Operating Engineers (IUOE) v. State of California (State Personnel Board (SPB)) - A hearing on the Public Employment Relations Board's (PERB) unfair labor practice charge brought by IUOE based on SPB's failure to approve Board of Adjustment decisions as settlements took place March 18 and 19, 2003. A decision is not expected for several months.
- B. Connerly v. State Personnel Board, et al. - Briefing schedule has been agreed to re-cross appeal on issue of attorneys fees.
- C. Department of Corrections v. State Personnel Board (SPB)/Lomeli - Superior court has issued a decision upholding SPB's decision in this case dismissing the charge of dishonesty in an investigatory interview based upon the fact that the incidents that were the subject of the interview were beyond the one year statute of limitations set forth in the Public Safety Officer's Procedural Bill of Rights.
- D. Lindsay v. State Personnel Board/Department of Corrections - Appellant filed petition for writ of mandate challenging Board decision issued in this case in March 2003.

Other:

- A. State Employee Mediation Program (SEMP) - Mediation refresher training given March 24, 2003, was well attended. Volunteers were instructed on mediating with a 3-person group, as well as a review of mediation basics.
- B. SEMP volunteer mediation training is scheduled to occur in Los Angeles from May 12-16, 2003. Applications are now being accepted.

4. REPORT ON LEGISLATION - Sherry Hicks

The Board voted on the following:

- A. AB 268 (Mullin) - The Board voted to SUPPORT AB 268 and be added as co-sponsors. This bill would amend the Government Code to add training in employment law relating to persons with disabilities as part of the current 80 hours of required training for new supervisors.
VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.
- B. AB 1209 (Nakano) - The Board voted to take a NEUTRAL position on AB 1209 which would amend Government Code section 11126 to clarify and make permanent existing provisions that authorize state bodies to hold closed sessions to consider matter posing a threat of criminal or terrorist activity against state buildings or property.
VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.
- C. AB 1374 (Daucher) - The Board voted to SUPPORT AB 1374 which would authorize any State agency, subject to the approval by the Department of General Services, to enter into a contract to furnish services to, or perform work for, a local government agency.
VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.
- E. SCA 1 (Burton) - The Board voted to take a NEUTRAL position on SCA 1 which proposes to amend the California Constitution as it relates to public meetings and access to documents.
VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

5. PERS UPDATE - Sean Harrigan

The Board was advised of the following:

- A. Public Employees Retirement System (PERS) has asked the State Supreme Court to review the ruling of the Court of Appeals in the Connell v. PERS lawsuit regarding the scope of Proposition 162. If the court decision stands it will have a major impact on the PERS investment program and investment staff. PERS is looking at operational options and contingencies in the event the decision stands.
- B. Health care cost increases remains a major issue for PERS. A strategic plan is being developed and may include consideration of regional rates. PERS believes that once the components of the plan are adopted, the plan will impact health care rates and the quality of member care.

6. ORAL ARGUMENT

Oral argument in the matter of CONNIE ARMSTEAD, CASE NO. 00-4241. Appeal from constructive medical termination and/or suspension. California Highway Patrol.

Persons Participating:

Martin W. Hagan, Deputy Attorney General, representing
Department of Justice
Fernando Acosta, Attorney, California State Employees'
Association, representing appellant

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of FRANK HURTADO, CASE NO. 01-3980. Appeal from dismissal. Department of Corrections.

Persons Participating:

Monrow A. Mabon, Staff Counsel, representing Department of
Corrections
Chris Uyemura, Staff Legal Counsel, California Correctional
Peace Officers Association, representing appellant

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of JOHN HUGES, CASE NO. 01-4078. Appeal from ten-percent reduction in salary for 12 months. Department of Corrections.

Persons Participating:

James D. Madison, Senior Staff Counsel, representing
Department of Corrections
Wendell J. Llopis, Attorney at Law, representing appellant

ACTION: Submitted

9. ORAL ARGUMENT

Oral argument in the matter of BONNIE SNYDER, CASE NO. 02-0556. Appeal from ten working days suspension. Department of Social Services.

Persons Participating:

Jeanlaurie Ainsworth, Senior Staff Counsel, representing
Department of Social Services

George H. Jones, Certified Student, Wright & Associates,
representing appellant

ACTION: Submitted

10. ORAL ARGUMENT

Oral argument in the matter of VAROOZH TOROSSIAN, CASE NO. 02-1147. Appeal from non-punitive termination. Department of Transportation.

Persons Participating:

Jeanell Bradley, Staff Services Manager I, representing
Department of Transportation
Stephen D. Beck, Staff Consultant, Professional Engineers in
California Government, representing appellant

ACTION: Submitted

BOARD ACTIONS

11. STATE PERSONNEL BOARD SUMMARY MINUTES OF MARCH 18, 2003

ACTION: Minutes to be approved at the April 22, 2003, Board meeting.

12. ACTION ON SUBMITTED ITEMS

ACTION: See pages 17-18.

13. ADMINISTRATIVE LAW JUDGE CASES

On April 8, 2003, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

COURT REMAND DECISION

BETTY JO SMITH, CASE NO. 98-0119

Appeal from dismissal

Physician and Surgeon

Department of Developmental Services

ACTION: The Board issued a resolution, which complies with the court's order and orders the parties to file written briefs by April 29, 2003

CHIEF COUNSEL RESOLUTIONS

FERNANDO V. GANDARA, JR., CASE NO. 99-3867 & 02-4037

Appeal from Order to Show Cause & Discrimination/Retaliation

Business Services Assistant & Staff Services Analyst

Department of Veterans Affairs

ACTION: The Board issued a resolution consolidating Case No's 99-3867 & 02-4037 and referring the matters for evidentiary hearing

ROBERT DIAZ, CASE NO. 00-2230

Appeal from five working days suspension

Officer, CHP

California Highway Patrol

ACTION: The Board issued a resolution ordering the Department to provide a complete accounting to appellant within 30 days after service

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ROBERT HALL, CASE NO. 02-2027

Appeal from suspension

Correctional Officer

Department of Corrections

ACTION: The Board ordered the Department to comply within 30 days or show they have a court-issued stay of the Board's decision

MONICA ROMERO, CASE NO 98-1797

Appeal from Dismissal

Supervising Motor Vehicle Representative

Department of Motor Vehicles

ACTION: The Board issued a resolution approving stipulation for settlement

PROPOSED DECISIONS

TROY N. ALLEN, CASE NO. 02-4148

Appeal from formal reprimand

Caltrans Equipment Operator

Department of Transportation

ACTION: Formal reprimand sustained

RICHARD ANDRADE, CASE NO. 02-3724

Appeal from five-percent reduction
in salary for six months

Correctional Officer

Represa - California State Prison

Department of Corrections

ACTION: Five-percent reduction in salary for six months
modified to a five-percent reduction in salary for three
months

LORRAINE BARBER, CASE NO. 02-2915

Appeal from automatic resignation

due to Absence without Leave for

five consecutive working days

Integrated Case Worker II

County of Lassen

Health and Human Services Department

ACTION: Automatic resignation due to Absence without Leave
for five consecutive working days sustained

GRACE BAUMGARTEN, CASE NO. 02-2313E

Appeal from discrimination complaint

Office Technician (Typing)

Board of Equalization

ACTION: Discrimination complaint denied

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ARNE BECKMAN, CASE NO. 02-3852
Appeal from five-percent reduction
in salary for six months
Correctional Counselor II Supervisor
Wasco - State Prison
Department of Corrections
ACTION: Five-percent reduction in salary for six months
revoked

RUDOLFO CAMACHO, CASE NO. 02-4147
Appeal from formal reprimand
Caltrans Highway Maintenance Worker
Department of Transportation
ACTION: Formal reprimand revoked

PEGGY S. FURLOW, CASE NO. 02-1996
Appeal from 30 days' suspension
Correctional Officer
Represa - Folsom State Prison,
Department of Corrections
ACTION: Thirty days' suspension sustained

IVAN GALAMBOS, CASE NO. 02-1223
Appeal from rejection during probationary period
Environmental Planner
Department of Transportation
ACTION: Rejection during probationary period sustained

MICHAEL GATTI, CASE NO. 00-3636
Appeal from six months suspension
Park Maintenance Worker I
Department of Parks and Recreation
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

MICHAEL GATTI, CASE NO. 99-5149
Appeal of retaliation for whistle-blowing
activities
Park Maintenance Worker I
Department of Parks and Recreation
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

GRACIELA GONZALEZ, CASE NO. 02-3260
Appeal from five-percent reduction
in salary for 12 months
Correctional Case Records Analyst

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Delano - State Prison
Department of Corrections
ACTION: Five-percent reduction in salary for 12 months
revoked

JAMES JOHNSON, CASE NO. 02-2165
Appeal from demotion
Toll Sergeant to Toll Collector
Department of Transportation
ACTION: Demotion from Toll Sergeant to Toll Collector
revoked

MARJORIE LAWRENCE, CASE NO. 02-3451
Appeal from 15 workdays suspension
Teacher
Wasco State Prison
Department of Corrections
ACTION: 15 workdays suspension modified to three workdays
suspension

QUINTIN LEWIS, CASE NO. 02-0629
Appeal from demotion
Senior Youth Correctional Counselor
To the position of Youth Correctional Counselor
Stockton - Youth Correctional Drug and Alcohol Treatment
Facility
Department of Youth Authority
ACTION: Demotion from Senior Youth Correctional Counselor
modified to the position of Youth Correctional Counselor for
14 months

CAROLYN ORTEGA, CASE NO. 02-4039
Appeal from constructive medical
termination
Youth Correctional Counselor
Stockton - Youth Correctional Center
Department of Youth Authority
ACTION: Appeal from constructive medical termination denied

WILLIAM PETERSON, CASE NO. 02-4396
Appeal from separation pursuant to
Government Code section 19585
Psychiatric Technician Trainee
Porterville - Developmental Center
Department of Developmental Services
ACTION: Separation pursuant to Government Code section
19585 sustained

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WAYNE SCHLOEMER, CASE NO. 02-4205
Appeal from five working
days' suspension
Data Processing Manager I
Department of Health Services
ACTION: Five working days' suspension sustained

ROBERT SMITH, CASE NO. 02-4207
Appeal from suspension for three months
Caltrans Highway Maintenance Worker
Department of Transportation
ACTION: Suspension for three months sustained

MICHAEL TATE, CASE NO. 02-3308
Appeal from five-percent reduction
in salary for six months
Office Assistant
Chowchilla - California Women's Facility
Department of Corrections
ACTION: Five-percent reduction in salary for six months
revoked

PENNY TERRY, CASE NO. 02-3333
Appeal from 20 working days' suspension
Chief Judicial Affairs Officer
Division of Student Affairs
San Jose State University
ACTION: 20 working days' suspension modified to ten working
days' suspension

BRUCE THIESSEN, Ph.D., CASE NO. 02-2584
Appeal from four consecutive workweek
suspension
Psychologist-Clinical
Solano - State Prison
Department of Corrections
ACTION: Four consecutive workweek suspension revoked

DWAYNE THOMAS, CASE NO. 00-4267E
Request to file charges
Business Services Assistant
Department of Corrections
ACTION: Request to file charges dismissed

JEANETTE VARGAS, CASE NO. 02-4034
Appeal from one-step reduction in salary for twelve months
Psychiatric Technician (Safety)

Department of Mental Health

ACTION: One-step reduction in salary for twelve months
revoked

BRYAN J. WILLIAMS, CASE NO. 02-1937

Appeal from five-percent reduction
in salary for six months

Motor Vehicle Field Representative
Department of Motor Vehicles

ACTION: Five-percent reduction in salary for six months
modified to five-percent reduction in salary for three
months

PETITIONS FOR REHEARING

MOUNZER NAJJAR, CASE NO. 02-3417

Appeal from non-punitive termination
Transportation Engineer (Electrical)
Department of Transportation

ACTION: Petition for rehearing filed by appellant granted
"and held in abeyance pending the Board's decision on
Varoozh Torossian."

ZEWDIE SENBETU, CASE NO. 02-1955

Appeal from non-punitive termination
Transportation Engineer (Civil)

ACTION: Petition for rehearing filed by appellant granted
"and held in abeyance pending the Board's decision on
Varoozh Torossian."

14. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 19-22.

15. WITHHOLD APPEALS

On April 8, 2003, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

RONEAL BERTOLDI, CASE NO. 02-2064

Classification: Correctional Officer
Department of Corrections

ACTION: DENIED

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GARY BOZARTH, CASE NO. 02-2819
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JOHN GREEN, CASE NO. 02-1885
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

CURTIS HENDERSON, CASE NO. 02-2996
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

LEMAY HUNTZINGER, CASE NO. 02-2806
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MIKE MITCHELL, CASE NO. 02-2694
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

ROWENA NEMECEK, CASE NO. 02-2532
Classification: Youth Correctional Officer
California Youth Authority
ACTION: WITHDRAWN

DEFINA OSBY, CASE NO. 02-1361
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

DAVID PINA, CASE NO. 02-2805
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DAVID SAURET, CASE NO. 02-2137
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

MICHELLE SCHREINER, CASE NO. 02-2188
Classification: Medical Technical
Assistant (MTA)
Department of Corrections
ACTION: DENIED

MAXWELL VARGAS, CASE NO. 02-2185
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

TERRY WOODS, CASE NO. 02-2149
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

16. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES
On April 8, 2003, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.
VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

(Request to File Charges)

MARTINA HODGES, CASE NO. 01-4161
Classification: An employee with the
Department of Transportation
ACTION: DENIED

MARTINA HODGES, CASE NO. 01-4344
Classification: An employee with the
Department of Transportation
ACTION: DENIED

WILLIAM ROTH, CASE NO. 02-1348
Classification: Nurse Evaluator III
Department of Health Services
ACTION: DENIED

(Petitions for Rehearing)

JENNIFER PATTEN, CASE NO. 02-0746P
Classification: Youth Correctional Counselor
Department of Youth Authority
ACTION: DENIED

JOSE ROBLEDO, CASE NO. 02-0397P
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

17. PSYCHOLOGICAL SCREENING CASES

On April 8, 2003, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

RODNEY BRUNNER, CASE NO. 03-0500
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

TRACY HIXON, CASE NO. 03-0336
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

MICHAEL HOPPER, CASE NO. 03-0530
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JUSTINE MARTINEZ, CASE NO. 03-0474
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

RODNEY SCOTT, CASE NO. 03-0323
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

18. NON-HEARING CALENDAR

On April 8, 2003, the Board adopted items A & B. These items were presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

A. JEWISH CHAPLAIN

JEWISH CHAPLAIN (INTERMITTENT)

The California Department of Corrections on behalf of other user departments is proposing the revision of the minimum qualifications for the Jewish Chaplain and

Jewish Chaplain (Intermittent) classifications to permit non-ordained lay persons or a vested Cantor who have demonstrated pastoral competence as certified by the Boards of Rabbis of Northern and Southern California, to apply and/or participate in the examination for positions in these classes.

B. AUTOMOTIVE TECHNICIAN SERIES

The California Highway Patrol proposes the reallocation of tasks for the Automotive Technician Series Specification based on a completed job analysis and the revision of the Minimum Qualifications to provide consistency with other similar classes.

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DISTRICT 4, CHIEF DEPUTY DISTRICT DIRECTOR, TOLL BRIDGE

The California Department of Transportation proposes to allocate the above position to the CEA category on a temporary basis until the completion of the Toll Bridge Program (which is anticipated in 2009). The Chief Deputy District Director, Toll Bridge is responsible for directing operations relating to major functions of the Toll Bridge Program such as the seismic retrofitting of the seven toll bridges in District 4, and developing policies and procedures for the Toll Bridge Program.

(2) FAMILY TEMPORARY DISABILITY INSURANCE PROJECT MANAGER

The California Department of Employment Development proposes to allocate the above position to the CEA category for a period of 36 months. Senate Bill 1661 establishes the Family Temporary Disability Insurance (FTDI) program. The Family Temporary Insurance Project Manager will be the primary policy maker for the FTDI program, responsible for the development and implementation of SB 1661 and its integration into the existing Disability Insurance program.

(3) CHIEF, CONSERVATION EDUCATION & ENFORCEMENT BRANCH

The Department of Fish and Game proposes to allocate the above position to the CEA category. The Chief, Conservation Education & Enforcement Branch develops, implements and evaluates the department's policies, procedures and program direction; directs the activities of the full time and seasonal employees engaged in assessment of resources and research for policy development.

(4) DEPUTY, EXECUTIVE OFFICER, BENEFITS ADMINISTRATION

The California Public Employees Retirement System proposes to allocate the above position to the CEA category. The Deputy Executive Officer, Benefits Administration is responsible for the overall management of all aspects of the CalPERS retirement and health benefit programs, including formulating and developing goals, objectives and policies for these programs. The position is described as making key policy decisions impacting all aspects of the retirement and health benefit programs for over one million public employees.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

(1) CHIEF, OFFICE OF WATER USE EFFICIENCY

The Department of Water Resources request to allocate the above position to the CEA category has been approved effective March 17, 2003.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

2. TEACHER STATE HOSPITAL (SEVERLY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

4. VICTORIA MCCOY, CASE NO. 01-3372. Appeal from dismissal. Department of Corrections. (Oral argument held December 4, 2002).

ACTION: On April 8, 2003, adopted Board decision modifying the dismissal to a 19-month suspension, and awarding back salary, interest and benefits.

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.

5. ANSWERS OR APPEALS FILED WITH STATE PERSONNEL BOARD
State Personnel Board (SPB) staff is proposing to adopt new Rule 63 to require, in part, that answers or appeals filed with SPB, requesting that a hearing or investigation be conducted by SPB, notify the responding party of all planned affirmative defenses and requests for relief.
(Hearing held February 3, 2003).

NO ACTION

6. TONY PORCELLA, CASE NO. 01-2898. Appeal from dismissal. California Highway Patrol. (Oral argument held February 3, 2003).

NO ACTION

7. BARBARA LENOUE, CASE NO. 01-3441. Appeal from dismissal. Department of Developmental Services. (Oral argument held March 4, 2003).

NO ACTION

8. STEPHEN VAN ZEE, CASE NO. 01-3017. Appeal from withdrawal of employment offer. Office of Inspector General. (Oral argument held March 4, 2003).

NO ACTION

9. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on April 8, 2003.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Elkins, Alvarado, Harrigan, Tom - Aye.